

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.906 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/husband, seeking to quash the order, dated 15.09.2016, passed in M.C.No.19 of 2014, by the Judicial Magistrate of First Class, Dharmavaram, Anantapuramu District, granting maintenance to the respondents 2 and 3 herein @ Rs.3,000/- each.

2. Heard the learned counsel for the petitioner/husband and perused the record.

3. The learned counsel for the petitioner/husband would submit that the Courts below have not appreciated the facts and circumstances of the case in right perspective and granted excess maintenance to the respondents 2 and 3 herein and that under the guise of payment of maintenance, the mother of respondents 2 and 3 herein (wife of the petitioner herein) is taking away the money and not spending the same for the welfare of the respondents 2 and 3.

4. All the contentions now raised were also raised by the petitioner/husband before the learned Magistrate in M.C.No.19 of 2014 and also before the learned IV Additional District & Sessions Judge (FTC) Anantapuramu, and those contentions were negated by both the Courts below. The petitioner/husband is aged 38 years. Now, there is a lot of increase in the cost of

living. Respondents 2 and 3 are school going children. Award of maintenance @ Rs.3,000/- each to the respondents 2 and 3 is not excessive. It is based on evidence on record. There is no infirmity in the orders passed by both the Courts below. This Court finds no reason to quash the order, dated 15.09.2016, passed in M.C.No.19 of 2014, by the Judicial Magistrate of First Class, Dharmavaram, Anantapuramu District, which was confirmed by the order, dated 02.11.2017, passed in CrI.R.P.No.124 of 2016 by the learned IV Additional District and Sessions Judge, (FTC), Anantapuramu District. The Criminal Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

30th January, 2018
Bvv